

TRUSTEES OF MICHIGAN REGIONAL COUNCIL OF CARPENTERS' EMPLOYEE BENEFITS FUND; TRUSTEES OF MICHIGAN REGIONAL COUNCIL OF CARPENTERS' ANNUITY FUND; TRUSTEES OF CARPENTERS' PENSION TRUST FUND - DETROIT AND VICINITY; AND TRUSTEES OF THE CARPENTERS' VACATION FUND - DETROIT AND VICINITY, THE MICHIGAN REGIONAL COUNCIL OF CARPENTERS, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,

Plaintiffs,

vs.

Case No. 06-15542  
Hon. Patrick J. Duggan

FERMEZZA CONCRETE, INC., Michigan corporation, and GRACE MARSHALL, an individual, jointly and severally

Defendants.

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**PLAINTIFFS' EX PARTE MOTION FOR ALTERNATE SERVICE**

Plaintiffs, through counsel, hereby request that an Order for Alternate Service permitting that the Summons, Complaint and all other papers in this case be served upon Defendants, Fermezza Concrete, Inc. and Grace Marshall, first class mail, and/or certified mail, return receipt requested, to 22385 Starks Drive, Clinton Township, Michigan 48036, and/or by firmly tacking or affixing a copy of such Summons and Complaint to the front door of said residence. The grounds for this motion are set out in the accompanying Affidavit of Process Server and Change of Address or Boxholder Request Form attached as Exhibit 1 in Plaintiffs' brief.

BY: s/Michael A. Novara

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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TRUSTEES OF MICHIGAN REGIONAL  
COUNCIL OF CARPENTERS' EMPLOYEE  
BENEFITS FUND; TRUSTEES OF  
MICHIGAN REGIONAL COUNCIL OF  
CARPENTERS' ANNUITY FUND;  
TRUSTEES OF CARPENTERS' PENSION  
TRUST FUND - DETROIT AND VICINITY;  
AND TRUSTEES OF THE CARPENTERS'  
VACATION FUND - DETROIT AND  
VICINITY, THE MICHIGAN REGIONAL  
COUNCIL OF CARPENTERS, UNITED  
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Defendants.

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**BRIEF IN SUPPORT OF PLAINTIFFS' EX PARTE MOTION FOR ALTERNATE  
SERVICE**

Service of process upon Defendants Fermezza Concrete, Inc. and Grace  
Marshall cannot be reasonably made as otherwise shown by the accompanying Affidavit  
of Process Server and Change of Address or Boxholder Request Form (**Exhibit 1**). It is  
clear that 22385 Starks Drive, Clinton Township, Michigan 48036, is the last known  
address of the Defendants Fermezza Concrete, Inc. and Grace Marshall. Further, in  
support of their motion, Plaintiffs rely on Fed. Rul. Civ. P. Rule 4(e)(1) and MCR  
2.105(l)(1) and 2.106.

Accordingly, Plaintiffs' request an order providing for alternate service of the  
Summons, Complaint and all other papers in this case.

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NOVARA, TESIJA & McGUIRE, P.L.L.C.  
filed 02/07/07 PageID.21 Page 4  
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Dated: February 6, 2007

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRUSTEES OF MICHIGAN REGIONAL COUNCIL OF CARPENTERS' EMPLOYEE BENEFITS FUND; TRUSTEES OF MICHIGAN REGIONAL COUNCIL OF CARPENTERS' ANNUITY FUND; TRUSTEES OF CARPENTERS' PENSION TRUST FUND - DETROIT AND VICINITY; AND TRUSTEES OF THE CARPENTERS' VACATION FUND - DETROIT AND VICINITY, THE MICHIGAN REGIONAL COUNCIL OF CARPENTERS, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 6, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the Court. Furthermore, I hereby certify that my secretary mailed by United States Postal Service the papers to the following non-ECF participant,

**Fermezza Concrete, Inc.  
22385 Starks Drive  
Clinton Township, Michigan 48036**

**Grace Marshall  
22385 Starks Drive  
Clinton Township, Michigan 48036**

Respectfully submitted,

NOVARA, TESIJA & McGUIRE, P.L.L.C.

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